

OGC REVIEW COMPLETED

NOTE TO GENERAL McCLELLAND:

30 August 1955

1. I have read the proposed revision of Section 606 and the existing Section 606 of the Communications Act of 1934 and must state that there appears to be some validity in the TPC position that consistency of triggering clauses is not one of the strong features of the existing law. The proposal definitely provides for consistency, in some measures broadens the President's power and at the same time to some degree limits it more than present law.

2. I honestly cannot say that it improves ODM's position in that both present and proposed write ups place the authority with the President and in both cases authorize him to issue orders "directly, or through such person or persons as he designates for the purpose, or through the Commission."

3. I find disagreement with one point of the TPC staff study where they indicate subsections c and d as silent as to the means by which delegated power may be exercised. Executive Order No. 10312 of 10 December 1951 delegates to the FCC the authority vested in him by subsection c over non-government stations. Authority over government stations is delegated to the heads of each department or agency. As regards the establishment of ODM as a "Czar" of communications, I am unable to comment. Presumably it could be done but as indicated above the President would make the decision through either present or proposed legislation.

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